IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8761 OF 2007

Pushkar Sakharam Choudhari
and Ors. .. Petitioners

Versus

Prashant Ambadas Choudhari
and Ors. .. Respondents

Mr.Shriram Kulkarni for petitioners
Mr.R.M.Patne, A.G.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 3rd December 2007

P.C.

. These are orders which are arising under R.T.S. proceedings. Assuming there is substance in the contention of Mr.Kulkarni that the proceedings before Revisional Authority were themselves not maintainable, yet, there are issues which touch upon the right, title and interest of the immovable properties, such issues cannot be resolved even after the orders under

challenge are declared to be null and void or devoid of any jurisdiction. Ultimately, the parties have to institute civil suits in the competent civil court claiming appropriate declarations with regard to their rights, title and interest in the immovable property and all such proceedings, if pending or to be instituted, must be decided on their own merits and in accordance with law, uninfluenced by any orders of the Revenue Authority. Needless to state that all incidental issues, including whether there has been any partition between family members or not must be gone into by the competent civil court, uninfluenced by the observations of the Revenue Authorities. Petition disposed of.

(S.C.Dharmadhikari, J)